

SHEARMAN & STERLING LLP

599 Lexington Avenue  
New York, NY 10022-6069  
+1.212.848.4000

November 11, 2022

**MEMO ENDORSED**

**VIA ECF**

The Honorable Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Iowa Pub. Emps. 'Ret. Sys. et al. v. Bank of Am. Corp. et al.,*  
No. 17-cv-6221 (KPF)

Dear Judge Failla:

Section 9 of the Protective Order (Dkt. No. 150), as amended by the Supplemental Stipulated Protective Order (Dkt. No. 228), provides that for any filing that quotes or refers to discovery material that has been designated Confidential, Highly Confidential, or Highly Confidential Data, the party “shall request to file such documents or portions thereof containing or making reference to such material or information in redacted form or under seal.” Consistent with the process this Court approved for such requests (Dkt. No. 408), the Parties now move for redaction of Defendants’ Reply In Support of Their Objections to Judge Cave’s Report and Recommendation Regarding Class Certification (Dkt. No. 617) (“Defendants’ Reply”). The Parties’ justifications for redacting those materials under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006), and its progeny are as follows.

**Defendants’ Justifications and Designations**

Defendants’ Reply quotes from, discusses, and makes reference to the substance of documents and data designated “Confidential” and “Highly Confidential” under the Parties’ January 2, 2019 Protective Order (Dkt. No. 150), and “Highly Confidential Data” under the Parties’ October 30, 2019 Supplemental Protective Order (Dkt. No. 228). Such materials include trade secrets, other confidential research, development, or commercial information, and other private or competitively sensitive information, including personal data. Accordingly, Defendants request that the marked portions of Defendants’ Reply be filed in redacted form. This is in accordance with Section 9 of the Protective Order, which provides that for “papers containing or making reference to the substance of [“Confidential”, “Highly Confidential”, or “Highly Confidential Data”] material or information, [a Party] shall request to file such documents or portions thereof containing or making reference to such material or information in redacted form or under seal.”

**Plaintiffs' Justifications and Designations**

Defendants' Reply quotes from, discusses, and refers to discovery material produced by Plaintiffs subject to confidentiality designations, which include trade secrets, other confidential research, development, or commercial information, or other private or competitively sensitive information, including personal data. Accordingly, Plaintiffs request that the marked portions of Defendants' Reply be filed in redacted form, pursuant to *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) and its progeny.

Respectfully submitted,

/s/ Richard Schwed

Richard Schwed  
SHEARMAN & STERLING LLP

Defendants' application to file the materials at docket entry 617 with redactions is GRANTED. The Clerk of Court is directed to maintain docket entry 617 under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the motion at docket entry 629.

Dated: November 14, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE